



Book	Policies
Section	05000 Students
Title	Compulsory Education and District Attendance
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#### A. Compulsory Education

The parent or legal guardian of a student who is at least six (6) years of age and not more than eighteen (18) years of age, shall enroll and send his or her school-age minor to a public or regularly established private school during the school year of the district in which the student resides, unless exempted as indicated below. Attendance shall be in District schools or in some other district to which the student may legally be transferred, or in a regularly established private school. It is a class B misdemeanor for a parent or legal guardian, after being served with a notice of compulsory education violation, to fail to enroll a school-age minor in school, unless exempted as indicated below. The District shall report violations of this policy to the appropriate city or county attorney.

##### 1. Notice of Compulsory Education Attendance Laws

Prior to or no later than school registration, the parent or legal guardian of each student in grades 1-12 shall be provided notice from the school or district informing the parents or legal guardians of Compulsory Education attendance laws, discipline or consequences progress; and opportunities to appeal disciplinary measures.

##### 2. Exemptions

Students who meet one or more of the following conditions to the satisfaction of the Board shall be exempt from compulsory attendance requirements and shall be given a certificate, issued by the Board, stating that the minor is excused from attendance during the time specified on the certificate:

- a. A student over age sixteen (16) may receive a partial release from school to enter employment, or to attend a trade school, if the student has completed the eighth grade. Minors receiving this exemption must still attend school part-time as required by the Board.
- b. On an annual basis, a minor under eighteen (18) years of age may receive a full release from attending a public, regularly established private or part-time school or class if one of the following is established to the Board's satisfaction:
  1. The minor has already completed the work required for graduation from high school or has demonstrated mastery of the skills and competencies required for graduation from high school in accordance with Utah Code Ann. § 53A-15-102(1).
  2. The minor is in a physical or mental condition, certified by a competent physician if required by the Board, which renders attendance inexpedient and impracticable.
  3. Proper influences and adequate opportunities for education are provided in connection with the minor's employment.
  4. The Superintendent determines that the minor, if over age sixteen (16), is unable to profit from attendance at school because of inability or a continuing negative attitude toward school regulations and discipline.
  5. The minor's parent files a signed affidavit with the minor's school district of residence that the minor will attend a home school and receive instruction in the subjects prescribed by the State Board of Education in accordance with the law and for the same length of time as minors are required by State Board of Education rule to be taught in public schools. A minor receiving a partial release in

order to enter employment under item (1) above may be excused from attending required part-time school if the minor is taught the required number of hours at home.

a. Subject to the requirements of Subsection (e) discussed above, a parent of a minor who attends a home school is solely responsible for:

- the selection of instructional materials and textbooks;
- the time, place, and method of instruction, and
- the evaluation of the home school instruction.

b. A local school board may not:

- require a parent of a minor who attends a home school to maintain records of instruction or attendance;
- require credentials for individuals providing home school instruction;
- inspect home school facilities; or
- require standardized or other testing of home school students.

### 3. Certificate of Exemption from Public School Attendance

When the Board excuses a minor from public school attendance pursuant to an exemption provided in this policy, the Board shall issue a certificate stating that the minor is excused from attendance during the time specified on the certificate. The Board shall issue a certificate excusing a minor from attendance within 30 days after receipt of a signed affidavit filed by the minor's parent pursuant to Subsection Exemptions (2)(e).

### 4. Definitions

a. "Excused Absence or Valid Excuse" means:

1. an absence resulting from:

- a. illness;
- b. death of family member;
- c. an approved school activity; or
- d. any other reason established by the district as valid.

2. In determining whether to pre-approve an extended absence of a student as a valid excuse, the district shall approve the absence if the district determines that the absence will not adversely impact the student's education.

3. an absence permitted by a student's:

- a. individualized education program, developed pursuant to the Individuals with Disabilities Education Improvement Act; or
- b. accommodation plan, developed pursuant to Section 504 of the Rehabilitation Act.

b. "Home School" "Home School" means a school comprised of one or more students officially excused from compulsory public school attendance under this policy and Utah Code Ann. § 53A-11-102.

c. "Private School" means a school satisfying the following criteria:

- 1. maintained by private individuals or entities;
- 2. maintained and operated not at public expense;
- 3. generally supported, in part at least, by tuition fee or charges;
- 4. operated as a substitute for, and giving the equivalent of, instruction required in public schools;
- 5. employs teachers able to provide the same quality of education as public school teachers;
- 6. established to operate indefinitely and independently, not dependent upon the age of the students available or upon individual family situations; and
- 7. licensed as a business by the Utah Department of Business Regulations.

d. "Truant" means absent without a valid excuse or excused absence.

### 5. School Efforts to Resolve Attendance Problems

a. Parent(s) of all students in grades 1-12 shall be provided notice from the school or district informing parents of Compulsory Education attendance laws and encouraging parental cooperation.

- 1. A student registering in the school district during the school year may be provided notice explaining the school and school district's compulsory education policy.

2. A student moving from one school to another within the same district may be provided notice explaining the school and school district's compulsory education policy.
- b. The District shall make reasonable efforts to resolve the school attendance problems of its students, including the following, as deemed reasonably feasible by the Board or its designee in individual cases:
1. counseling of the student by school authorities;
  2. issuing a Notice of Truancy;
  3. issuing a truant citation;
  4. adjusting the curriculum and schedule if determined necessary to meet special needs of the student;
  5. considering alternatives proposed by the parent or legal guardian;
  6. monitoring school attendance of the student;
  7. voluntarily participating in truancy mediation, if available;
  8. providing the student's parent or legal guardian, upon request, a list of resources available to assist the parent or legal guardian in resolving the student's attendance problems; and
  9. enlisting the assistance of community and law enforcement agencies as appropriate.
- c. This policy and related statute do not impose any civil liability on the school district or its employees.

#### 6. Notice of Compulsory Education Violation

- a. A school administrator, a designee of the school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist may issue a notice of compulsory education violation to a parent of a student, who is at least six (6) years old but under the age of twelve (12), if the student is truant at least five (5) times during the school year.
- b. The notice of compulsory education violation shall:
1. direct the student's parent or legal guardian to meet with designated school authorities to discuss the student's attendance problems and cooperate with the District to secure regular attendance by the student.
  2. specify the school authorities with whom the parent is required to meet.
  3. state that it is a class B misdemeanor for the student's parent or legal guardian to intentionally or recklessly fail to meet with the designated school authorities to discuss the student's attendance problems or fail to prevent the student from being truant an additional five (5) or more times during the remainder of the school year.
  4. be served on the student's parent or legal guardian by personal service or certified mail.

#### 7. Notice of Truancy

- a. A student is truant who is absent from school without a valid excuse. The District may authorize school administrators, a designee of the school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist to issue a notice of truancy to any student who is at least twelve (12) years of age and has been truant at least five (5) times during the school year.
- b. The notice of truancy shall:
1. Identify each of the five (5) or more dates when the student was truant.
  2. Direct the student and his or her parent or legal guardian to meet with the designated school authorities and cooperate with the school in securing regular attendance by the student;
  3. Allow for contesting the notice of truancy. If the student and/or his or her parent or legal guardian desires to contest the notice of truancy, the parent or legal guardian must meet with the principal or the principal's designee to voice any concerns about the accuracy of the notice of truancy. If the parent or legal guardian cannot meet with the principal or the principal's designee, he or she can submit a written review to the principal outlining the concerns about the accuracy of the notice of truancy. After reviewing the concerns, the principal shall make a determination to either revise or affirm each of the dates when the student was allegedly truant. The principal's determination is final. The principal shall notify the parent or legal guardian of the determination. If the principal affirms the notice of truancy, the principal shall direct the parent or legal guardian to follow step 2 outlined above.
- c. Be mailed to, or served on, the student's parent or legal guardian.
- d. Truancy citations may not be issued to students who are 16 years of age and have a 3.5 cumulative grade point average. (53A-11-101.7.5b)

#### 8. Habitual Truant Citation

- a. A "habitual truant" is a student, twelve (12) years of age or older, who fails to cooperate with efforts on the part of school authorities to resolve the student's attendance problem as outlined above and/or has been absent without valid excuse ten (10) or more times during one school year. A habitual truant citation may be issued by a designated school administrator, a designee of the school administrator, a law enforcement officer acting as a school resource officer, or truancy specialist to a habitual truant after reasonable efforts have been made by the school to resolve the school attendance problems of the student, as outlined above, and these efforts have not been successful.
- b. If a student has been determined to be a habitual truant and refuses to participate in a district sponsored, evidenced based program, he/she may be referred to the juvenile court for further action as a Class C misdemeanor.

#### 9. Other Actions to Resolve Attendance Problems

Nothing in the Notice of Truancy policy or Habitual Truant Citation policy shall prohibit a school from taking action to resolve a student's attendance problems prior to five (5) absences without valid excuses, providing the action does not conflict with the requirements of these policies.

#### 10. Truancy Specialist

The Board may appoint and determine compensation for a truancy specialist to assist in enforcing laws related to school attendance, and to perform other duties prescribed by law or the Board.

#### 11. Duties and Powers

The truancy specialist may:

- a. Investigate all cases of unexcused absences from school.
- b. Enforce provisions of the compulsory attendance law.
- c. Keep written records of all cases of any kind investigated by the truancy specialist in the discharge of his or her duties.
- d. Follow and assist the school in the designation of habitually truant students pursuant to this policy.

#### 12. Custody

- a. The truancy specialist or a school administrator may take a minor into temporary custody if there is reason to believe the minor is a truant minor.
- b. If the truancy specialist or a school administrator takes a child into custody, the truancy specialist or administrator shall, without unnecessary delay, release the child to one of the following:
  1. The Principal of the child's school.
  2. Any person designated by the Board to receive the child and return him or her to school.
  3. A designated receiving center of the District.
- c. If the child refuses to return to school or to go to the receiving center, the officer or administrator shall, without unnecessary delay, notify the child's parents, guardian or custodian and release the child to their custody. If the parents, guardian or custodian cannot be reached or are unable or unwilling to accept custody, the child shall be referred to the Division of Child and Family Services.

#### B. District Attendance

1. Attendance Required by State Law: All children between the age of six (6) and eighteen (18) years of age shall be enrolled and regularly attend the public schools, unless excused or exempted as provided by the policies of the Tooele Board of Education or by the provisions of State Law.
2. Attendance Records: Each teacher shall keep accurate attendance records for each student they have enrolled in their classes. The school office shall keep daily attendance records as mandated by the State Office of Education and the Tooele Board of Education.
3. Excused Absences:
  - a. A student may be excused for a reasonable period of time from school in cases of illness, medical or dental appointments, death in the immediate family, or acts of nature which may endanger the child. Tooele County School District will reasonably accommodate a written request of a student's parent or guardian to excuse the student from attendance for a family event or visit to a health care provider, without obtaining a note from the provider. All other absences shall be unexcused unless the building principal, prior to the absence and at the written request of a parent/guardian, agrees to excuse the student for a specific purpose.
  - b. Pupils should be excused only for that part of the school day necessary to satisfy their specific need for absence. For pupils with excused absences, they shall be afforded the opportunity to make up any

schoolwork missed as the result of the absence. It shall be the student's responsibility to ensure that all make up work is completed and turned in.

- c. Students absent from school in connection with school sponsored activities shall be counted on as present and shall be allowed to make up all work for missed classes. If the missed work is not made up or is not acceptable, the student's grade shall be reduced accordingly.

#### 4. Unexcused Absences/Truancy Prevention:

##### a. Definitions

1. "Absence" means a student's non-attendance at school for one school day or part of one school day.
2. "Certified mail" means notification sent through the U. S. Post Office, that requires a signature of acceptance for the letter. A signed receipt notifies the sender that the letter was accepted.
3. "Excused absence" means a student's absence from school for a reason identified by the school or district as defined in this policy. A student may be excused for a reasonable period of time from school in cases of illness, medical or dental appointments, death in the immediate family, or acts of nature which may endanger the child. All other absences shall be unexcused unless the building principal, prior to the absence and at the written request of a parent/guardian, agrees to excuse the student for a specific purpose.
4. "Habitual truant" means a school-aged minor who is at least 12 years old and has received more than two truancy citations within one school year from the school in which the minor is or should be enrolled and ten absences without a legitimate or valid excuse or who, in defiance of efforts on the part of school authorities to resolve a student's attendance problems as required under Section 53A-11-101, refuses to regularly attend school or any scheduled period of the school day.
5. "IEP team" means a local education agency representative, a parent/guardian, a regular and special education educator, and person, qualified to interpret evaluation results, in accordance with the Individuals and Disabilities Education Act (IDEA).
6. "Truancy citation" is a ticket issued in the truant's name under R277-609 or Section 53A-11-101.7. A truancy citation is issued by school designated individuals and may provide for administrative penalties, strict attendance by the student and monitoring by the school, or may be payable to the school or school district. Penalties or requirements that may result from a truancy citation shall be clearly stated in the school or district truancy policy.
7. "Truancy fee schedule" means a uniform payment schedule set by a local school board consistent with R277-609-5.
8. "Unexcused absence" means a student's absence from school for reasons other than those authorized under the school or district policy.

##### b. Authority and Purpose

1. This policy is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, § 53A-1-401 (3) which permits the Board to adopt rules in accordance with its responsibilities, and §53A-11-101 through §53A-11 106 which directs educational entities and designated agencies working on behalf of children to encourage compliance with the compulsory education law and regular school attendance for all students.
2. The purpose of this policy is to establish consistent procedure for the Tooele County School District in informing parents/guardians about compulsory education laws, encouraging and monitoring school attendance consistent with the law, and providing firm consequences for noncompliance. This rule encourages meaningful incentives for parental responsibility and establishes the District to promote ongoing truancy prevention procedures in schools for all students.

##### c. General Provisions

1. The Tooele County School District's truancy policy shall be available for review by parents/guardians or interested parties upon request.
2. Truancy citation fees are not subject to fee waiver provisions because truancy citations are similar to repayment for destruction of school property. Tooele County School District shall provide reasonable and specific options in lieu of payment for truancy citations at parent/school meetings with the school's administrator.
3. If a student moves from one Utah school district to another Utah school district, truancy citations issued consistent with this rule may follow the student at the receiving school district's discretion.
4. The Tooele County School District shall prepare an annual fiscal year-end report to be submitted to the USOE (Utah State Office of Education) that includes:
  - a. Copy of the district truancy policy required under Section R277-607-3A and UT Admin Code R277-607, Truancy Prevention.
  - b. Total number of students designated as habitual truants;

- c. Total number of students tracked or disciplined under the district’s attendance/truancy policy;
- d. Total amount of funds collected, if any, by school from truancy citations; and
- e. Summary of program effectiveness.

d. Habitual Truant Status

1. Prior to or no later than school registration, the parent(s)/guardian(s) of all students in grades 1-12 shall be provided with notice from the school or district informing parents/guardians of Compulsory Education attendance laws and encouraging parental cooperation.
  - a. A student registering in the school district during the school year shall be provided notice explaining the school and school district’s compulsory education policy.
  - b. A student moving from one school to another within the same district may be provided notice explaining the school and school district’s compulsory education policy.
2. Following two to five unexcused absences, the individual designated by the school shall counsel the student and contact the parent(s)/guardian(s) as to the importance of school attendance and the legal implications of truancy. Documentation of the contact will be kept.
3. Following the sixth to eighth unexcused absence, the individual designated by the school shall contact the student and parent(s)/guardian(s) and arrange for a meeting at the school or elsewhere to discuss the student’s attendance. The sixth unexcused absence requires the issue of the First Truancy Citation (no charge). The parent(s)/guardian(s) will be notified by mail which will request the support of the parent(s)/guardian(s) in resolving the attendance problems and outlining the requirements of Section 53A-11-103. The school shall continue to monitor school attendance following the first truancy citation. If appropriate, the student’s curriculum or schedule may be adjusted to meet the student’s education needs.
4. Following the ninth to tenth unexcused absence a second truancy citation will be issued with the fine assessed. The parent/guardian shall be notified by certified mail.
5. Following the eleventh unexcused absence, the student shall be notified that he/she is a habitual truant and a second fine will be assessed.
6. If students with disabilities under the Individuals with Disabilities Education Act (IDEA) or students protected under Section 504/ADA of the Rehabilitation Act have excessive absences and fall within the criteria of this rule, the student’s IEP team (IDEA) or school team (Section 504) shall ensure that the procedures of this rule apply consistent with state and federal law and regulations.
7. The parent/guardian shall have the right to appeal a truancy citation consistent with district administrative policy and time limits established by the district policy and legal due process (see policy section on “Right to Appeal Attendance Action” below).

e. Documentation and Variance

1. When a student is a habitual truant, the school/district shall make a recommendation for the student which may include:
  - a. District sponsored prevention programs;
  - b. Community partner programs; or
  - c. Counseling.
2. Copies of truancy citations shall be retained in the student’s permanent record.

f. Tooele County School District Truancy Citation Uniform Fees (see District Fee Schedule).

<u>Levels</u>	<u>Citation</u>	<u>Maximum Fee</u>
1	First	Warning
2	Second	\$20.00
3	Third	\$20.00

g. Procedures for Parent/Guardian Referrals on Compulsory Education

1. The Compulsory Education Requirements under 53A-11-101.5 applies to a school age child (under the age of 12). Under this statute the following may occur:
  - a. A school administrator, a designee of a school administrator, or a truancy specialist may issue a notice of compulsory education violation to a parent/guardian of a school-age child if the school-age child is absent without a valid excuse at least five times during the school year.
  - b. The notice of compulsory education violation:

1. shall direct the parent/guardian of the school-age child to:
  - a. meet with school authorities to discuss the school-age child's attendance problems; and
  - b. cooperate with the Tooele County School District in securing regular attendance by the school-age child;
2. shall designate the school authorities to whom the parent/guardian is required to meet;
3. shall state that it is a class B misdemeanor for the parent/guardian of the school-age child to intentionally or recklessly:
  - a. fail to meet with the designated school authorities to discuss the school-age child's school attendance problems; or
  - b. fail to prevent the school-age child from being absent without a valid excuse five or more times during the remainder of the school year;
    - shall be served on the school-age child's parent/guardian by personal service or certified mail; and
    - may not be issued unless the school-age child has been truant at least five times during the school year.
  - c. Tooele County School District shall report violations of this section to the appropriate county or district attorney.
  - d. The juvenile court has jurisdiction over an action filed under this section.

2. Procedures to be used by administrative personnel in Tooele County School District when making referrals under Compulsory Education:

- a. School Administration may notify a parent/guardian of a school-age child after a 5<sup>th</sup> unexcused absence.
- b. School Administration shall make a further contact with parents of a school-age child, if absences continue after the initial contact by sending a letter of concern from the school of the school-age child's continued absences.
- c. School Administration shall send a second letter requesting a parent/guardian conference, if the absences of the school age child continue.
- d. School Administration shall send a referral to the county attorney for action, if the school-age child continues to have absences after the second letter and conference with parents/guardians.

i. Right to Appeal Attendance Action: Any parent/guardian of a student, or a student, who is not satisfied with an attendance action taken by the administration may, within 10 days of said action, appeal the decision to an attendance hearing officer in the district, appointed by the Superintendent. Said Hearing Officer shall give the student and/or parents/guardians an opportunity to be heard and shall determine if the attendance action was appropriate in light of all the circumstances presented. The Hearing Officer may set aside, amend, or order new attendance action. The Hearing Officer shall notify the student and the parents/guardians, in writing, of his/her action within 10 days. Any action of the Hearing Officer may be appealed within 10 days to the Superintendent of Schools.

5. Absences:

Student absences will be excused in cases of illness, medical or dental appointments, death in the immediate family, and acts of nature that endanger a child. Tooele County School District will reasonably accommodate a written request of a student's parent or guardian to excuse the student from attendance for a family event or visit to a health care provider, without obtaining a note from the provider. All other absences shall be unexcused unless the building administrator, prior to the absence and at the request of a parent/guardian, agrees to excuse a student for a special purpose. Students are to be excused only for that part of the day necessary to satisfy their need for absence.

C. Release from Compulsory Attendance

No student will be exempt from the compulsory attendance laws of the State of Utah in Tooele County School District unless released by the Board of Education during a regular meeting of the Board of Education. Parents/Guardians who desire to have a pupil released from school must:

1. Conference with a school counselor who will:
  - a. certify that all school alternatives have been explored and exhausted;

- b. explore and recommend out of school alternatives.
- 2. Conference with the administrator of the school to assure that all efforts have been made to provide for the pupil;
- 3. School administrator will refer all student release applications to the District's Case Management Team (CMT).
- 4. CMT will make a final recommendation to the school and parents/guardians regarding the student's release from compulsory attendance.
- 5. Upon approval of student release, the student will be referred for final approval from the Board of Education.
- 6. Complete a petition to the board of education for release of the student with certification that the pupil:
  - a. is at least 16 years of age,
  - b. is in such mental or physical condition as to render such attendance inexpedient and impracticable
  - c. will engage in some alternative pursuit beneficial to continued personal growth.
  - d. Parent must follow home schooling policy to release students from compulsory attendance for the purpose of home schooling.

Legal

Utah Code 53A-15-1403 (2015)

Utah Admin. Rules R277-438-1 (July 11, 2012)

Utah Code Ann. § 53A-11-101(9)(2012)

Utah Code Ann. § 53A-11-105(3), (4) (2012)

Utah Code Ann. § 53A-11-105(2) (2012)

Utah Code Ann. § 53A-11-105(1) (2012)

Individuals and Disabilities Education Act (IDEA)

Section 504/ADA of the Rehabilitation Act

Utah Code Ann. § 53A-11-104 (2012)

Utah Code Ann. § 53A-11-101.7(5) (2012)

Utah Code Ann. § 53A-11-101.7 (2012)

Utah Code Ann. § 53A-11-103 (2012)

Utah Code Ann. § 53A-11-102 (2012)

Utah Code Ann. § 53A-11-101.5 (2012)

Utah Admin. Rules R277-607-4 (July 11, 2012)